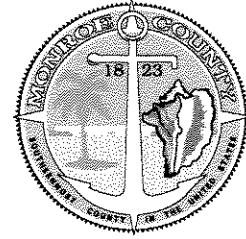


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**MEMORANDUM**  
**MONROE COUNTY PLANNING DEPARTMENT**  
*We strive to be caring, professional and fair*

**STAFF REPORT**



**TO:** Planning Commission

**THRU:** Aref Joulani, Director of Planning & Environmental Resources

**FROM:** Richard Jones, Senior Marine Planner

**DATE:** June 8, 2007

**RE:** AMENDMENTS TO THE MONROE COUNTY LAND  
DEVELOPMENT REGULATIONS TO REVISE SECTIONS  
REGARDING RECREATIONAL AND COMMERCIAL  
WORKING WATERFRONTS

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**MEETING DATE:** June 27, 2007

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**Petitioner:** The amendment is sponsored by the Monroe County Department of Marine Resources.

**I. PROPOSED REVISIONS:**

The proposed changes to the Monroe County Land Development Regulations (LDR) are part of the implementation of a two-phase study of the state of the County's recreational and commercial working waterfronts and the development of strategies to help strengthen and preserve this critical sector of the County's economy and character. The County is experiencing the loss of recreational and commercial working waterfront and the loss of public access to the water due to the redevelopment of marine facilities, including, but not limited to marinas, boatyards, wet and dry storage, fish houses and commercial fishing vessel dockage. These LDR amendments support and implement concurrently proposed changes to sections of the Monroe County Comprehensive Plan, specifically the Future Land Use, Conservation and Coastal Management Elements, to help preserve and strengthen the County's recreational and commercial working waterfronts.

1    **A. Characteristics of the proposed amendment.**

2           The amendment defines terms related to the working waterfront and sets  
3           standards for preservation, including regulatory incentives and bonuses, and  
4           allows for flexibility in the reestablishment of nonconforming uses and the  
5           reconstruction of nonconforming structures.

6  
7    **II.     BACKGROUND:**

8  
9           On July 20, 2005 the Board of County Commissioners adopted Ordinance No. 017-2005  
10          deferring the acceptance of development applications for the redevelopment and  
11          conversion of marine facilities until land development regulations which protect the  
12          working waterfront are drafted.

13  
14          Ordinance No. 17-2005 directed staff to enter into an interlocal agreement with the  
15          South Florida Regional Planning Council to prepare a *Marine Management Strategic*  
16          *Plan*.

17  
18          The Board of County Commissioners adopted the *Marine Management Strategic Plan*  
19          on March 15, 2006.

20  
21          On September 30, 2006, the Board of County Commissioners directed staff to enter into  
22          an interlocal agreement with the South Florida Regional Planning Council to develop  
23          implementation strategies for the *Marine Management Strategic Plan* including a  
24          Working Waterfronts Preservation Master Plan, Marina Siting Plan, Comprehensive  
25          Plan Amendments and supporting Land Development Regulations, and a database of  
26          marine-related facilities.

27  
28          On April 3, 2007 the Board of County Commissioners held a workshop to discuss draft  
29          amendments to the Comprehensive Plan Land Development Regulations designed to  
30          preserve working waterfronts. The Board requested staff to move forward with the draft  
31          amendments.

32  
33          On May 21, 2007 the Board of County Commissioners adopted Volume II of the Stock  
34          Island/Key Haven Livable CommuniKeys Master Plan which recommends preservation  
35          of the working waterfronts and public access.

36  
37    **III.    SUPPORT DATA:**

38  
39    **A. Proposed Changes to Chapter 9.5, Article 1, Section 9.5-4, Definitions.**

40  
41           New or amended definitions are proposed for boatyard, commercial fishing,  
42           recreational and commercial working waterfronts, and water dependent and  
43           water related uses. These definitions provide clarification on terms used in  
44           policies throughout the Monroe County Comprehensive Plan and Land  
45           Development Regulations that protect uses pertinent to the County's character

1 and economy, such as public access to navigable waters, marinas, and  
2 commercial fishing.

3  
4 **B. Proposed Changes to Section 9.5-250 Maritime Industries District (MI).**

5  
6 Changes to this district have been made to meet the goal of preserving maritime  
7 industries along the waterfront. As of right uses will include employee housing,  
8 and small hotels will be allowed as a major conditional use in this land use  
9 district. A Marina Siting Plan will be adopted by reference through the Monroe  
10 County Comprehensive Plan. Marinas may be built or redeveloped as a major  
11 conditional use if all criteria set forth in the Marina Siting Plan has been met.  
12

13 **C. Proposed Changes to Section 9.5, Article 7, Division 3, including new**  
14 **Section 9.5-272, Recreational and Commercial Working Waterfronts.**

15  
16 This new section of the Land Development Regulations is consistent with Goal  
17 219, Community Character and Preservation of Working Waterfront, of the  
18 Monroe County Comprehensive Plan. The new regulations set forth the amount  
19 of allowable redevelopment of water-dependent uses within unincorporated  
20 Monroe County. The regulations also provide incentives, methods of alternative  
21 compliance, and exemptions providing flexibility to property owners.  
22

23 **D. Proposed Changes to Chapter 9.5, Article 5, Section 9.5-143,**  
24 **Nonconforming Uses.**

25  
26 New language clarifies that within commercial fishing land use districts, CFA,  
27 CFV, and CFSD, non-conforming uses may be re-established, which allows  
28 flexibility within these land use districts.  
29

30 **E. Proposed Changes to Chapter 9.5, Article 5, Section 9.5-144,**  
31 **Nonconforming Structures.**

32  
33 New language allows for flexibility in the rebuilding of nonconforming  
34 structures in land use districts primarily devoted to water dependent uses. This  
35 policy is consistent with the goal of protecting Monroe County's working  
36 waterfront and commercial fishing industry, which are valuable to the County's  
37 character and economy.  
38

39 **IV. ANALYSIS:**

40  
41 **A. Consistency with the Land Development Regulations.**

42  
43 **County requirements for amendments to the land development regulations:**  
44 Pursuant to Section 9.5-511(d)(5)b of the Monroe County Code, the Board of  
45 County Commissioners may consider the adoption of an ordinance enacting

1 proposed changes to the text or maps based on one (1) or more of the following  
2 factors, for which the following justification is provided:

3  
4 *(i) Changed projections (e.g., regarding public service needs) from those on*  
5 *which the text or boundary was based;*

6  
7 None.

8  
9 *(ii) Changed assumptions (e.g., regarding demographic trends);*

10  
11 None.

12  
13 *(iii) Data errors, including errors in mapping, vegetative types and natural*  
14 *features described in volume I of the plan;*

15  
16 None.

17  
18 *(iv) New issues;*

19  
20 The 2005 Waterway and Waterfront Act requires every coastal county to amend  
21 their comprehensive plans and land development regulations to include  
22 regulatory incentives and criteria that encourage the preservation of recreational  
23 and commercial working waterfronts. In addition, the citizens of Monroe  
24 County and the Board of County Commissioners have requested the  
25 implementation of measures to prevent conversion of working waterfronts and  
26 the loss of public water access.

27  
28 *(v) Recognition of a need for additional detail or comprehensiveness; or*

29  
30 None.

31  
32 *(vi) Data updates;*

33  
34 None.

35  
36 **B. Consistency with the Comprehensive Plan.**

37  
38 The proposed amendments to the LDR further the following policy direction  
39 provided within the Comprehensive Plan:

- 40  
41 1. Goal 212 of the Comprehensive Plan directs the County to prioritize shoreline  
42 land uses and establish criteria for shoreline development in order to preserve  
43 and enhance coastal resources and to ensure the continued economic viability of  
44 the County.  
45

1       2. Goal 213 of the Comprehensive Plan directs the County to ensure adequate  
2       public access to the beach or shoreline.

3  
4       3. Objective 502.1 of the Comprehensive Plan directs the County to promote the  
5       preservation and enhancement of the existing ports and port related activities.

6  
7       **C.     Public Welfare Issues.**

8  
9       Monroe County's recreational and commercial working waterfronts provide  
10      practical, logistical, and economic benefit to the public and to the County's  
11      economy and character. These amendments promote public welfare by meeting  
12      the goal of preserving community character and working waterfronts while  
13      providing property owners with flexibility in the intensity and types of uses  
14      allowed, thereby protecting their property rights.

15  
16      **D.     Benefits to Property Owners.**

17  
18      The amendments will enable affected property owners to preserve the uses  
19      associated with the recreational and commercial working waterfront by making it  
20      possible to develop additional income producing uses and/or increase the  
21      intensity of use to maintain economic viability.

22  
23      **V.     CONCLUSIONS:**

- 24  
25       1. The proposed amendment is consistent with the criteria in Section 9.5-511 of the  
26       Monroe County Code for justifying decisions to amend the land use district text.  
27  
28       2. The proposed amendment is consistent with the comprehensive plan.  
29  
30       3. The proposed amendment is in the interest of public welfare.

31  
32      **VI.     RECOMMENDATION of the Development Review Committee:**

33       **Staff recommends approval**  
34